

Remarks

Upon entry of the present amendment, claims 1-6, and 8-11 are pending. Claim 7 is cancelled.

Applicant submits herewith a corrected Terminal Disclaimer. This Terminal Disclaimer is presented to correct the typographical error of the disclaimed patent number in the disclaimer presented on February 23, 2005. As noted in MPEP § 1490, Applicant need not submit a second fee when submitting a replacement or supplemental Terminal Disclaimer. Accordingly, no fee is believed to be due.

The need for a Terminal Disclaimer was presented by the Examiner in a telephone interview between the Examiner and Applicant's counsel, Rose M. Allen, on February 21, 2005. According to the Examiner's Interview Summary Form,


Examiner called Rose Allen (Attorney) to discuss the possible double patenting on claims 1-6 and 8-12 of MUHLEBACH et al (U.S. Patent No. 64104480). This patent has a common assignee and a common inventor. Some of substituents of the compounds of formula IIa overlap with the compounds of formula XII in claim 14 of MUHLEBACH et al.

Although no rejection was formally made on the record, Applicant submits a Terminal Disclaimer to overcome the Examiner's concerns, anticipating that failing to file a disclaimer would result in an obviousness-type double patenting rejection.

Applicant respectfully requests entry of the present amendment and acceptance of the enclosed Terminal Disclaimer. Applicant respectfully requests that the present application proceed to grant.

Respectfully submitted,

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